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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

BY:

1 Günter Weissmann
2 13957 Hazel Drive
3 Lytle Creek, CA 92358
4 V: 909-437-2556
Plaintiff in Pro Per
weissmann.gunter@gmail.com

NO Fax

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

ED CV 13 - 01598

Case No.:

JGB
(OPX)

GÜNTER WEISSMANN,
Plaintiff,

vs.

MONTEREY FINANCIAL SERVICES,
INC.,
JOHN DOES 1-10
Defendant(s)

COMPLAINT

DEMAND FOR JURY TRIAL

COMPLAINT

1. Plaintiff, Günter Weissmann, hereby sues Defendant, Monterey Financial Services, Inc..

INTRODUCTION

2. The United States Congress has found abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors, and has determined that abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy. Congress wrote the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (here in after "FDCPA"), to eliminate abusive debt collection practices by debt collectors, to insure

1 that those debt collectors who refrain from using abusive debt collection practices are not
2 competitively disadvantaged, and to promote consistent State action to protect consumers
3 against debt collection abuses.

4 3. The California legislature has determined that the banking and credit system
5 and grantors of credit to consumers are dependent upon the collection of just and owing
6 debts and that unfair or deceptive collection practices undermine the public confidence that
7 is essential to the continued functioning of the banking and credit system and sound
8 extensions of credit to consumers. The Legislature has further determined that there is a
9 need to ensure that debt collectors exercise this responsibility with fairness, honesty and
10 due regard for the debtor's rights and that debt collectors must be prohibited from engaging
11 in unfair or deceptive acts or practices.

12 4. The United States Congress has found abundant evidence of the use of
13 abusive, deceptive, and unwanted telephone solicitation (without express consent) by
14 telemarketers and thus Congress wrote the Telephone Consumer Protection Act 47 U.S.C.
15 § 227 et seq. (hereinafter "TCPA"), to regulate telemarketers, restrictions on the use of
16 Automated Telephone Equipment, and unwanted telephone solicitation (without express
17 consent) to home telephones and cellular telephones. The TCPA is a Federal Law that was
18 consigned to states where private actions brought by consumers be dealt with at the state
19 court level. Recently, the U.S. Supreme Court, in a unanimously January 18th, 2012 opinion
20 in *Mims v. Arrow Financial Service, LLC*, No.10-1195, resolving a major split among the
21 various U.S. Circuit Courts of Appeal, has definitively ruled that private actions brought by
22 consumers seeking redress for violations of the TCPA maybe brought forth in Federal
23 District Court as well as state courts.

Günther Weissmann
-COMPLAINT-

PRELIMINARY STATEMENT

5. This is an action for damages and injunctive relief brought by Plaintiff against Defendants for violations of the Fair Debt Collection Practices Act (FDCPA) 15 U.S.C. § 1692 et seq., Rosenthal Fair Debt Collection Practices Act (Rosenthal Act) Cal. Civ Code 1788.32, and the Telephone Consumer Protection Act (TCPA) 47 U.S.C. §227(b)(3)(B).

6. This is an action for damages which do not exceed \$15,000.

JURISDICTION and VENUE

7. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331, 15 U.S.C. § 1692(k), 28 U.S.C. § 1391b, and 28 U.S.C. § 1367 for supplemental state claims.

8. This action arises out of Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq. ("FDCPA"), the Rosenthal Fair Debt Collection Practices Act, California Civil Code § 1788-1788.32 ("Rosenthal Act"), the Telephone Consumer Protection Act (TCPA) 47 U.S.C. § 227 et seq..

9. Because Defendant does business within the State of California, personal jurisdiction is established.

10. Venue is proper pursuant to 28 U.S.C. § 1391(b) and (c).

11. At all times relevant, Defendant conducted business within the State of California.

PARTIES

12. Plaintiff is a natural person who resides in the State of California.

13. Defendant is located in California.

14. Defendant is a person who use an instrumentality of interstate commerce or

1 the mails in a business the principal purpose of which is the collection of debts, or who
2 regularly collect or attempt to collect, directly or indirectly, debts owed or due or asserted to
3 be owed or due another and are therefore debt collectors as that phrase is defined by 15
4 U.S.C. § 1692a(6).
5

6 15. Plaintiff is a natural person from whom a debt collector sought to collect a
7 consumer debt which was alleged to be due and owing to Defendant, and is a "debtor" as
8 that term is defined by California Civil Code § 1788.2(h).

9 16. Defendant in the ordinary course of business, regularly, on behalf of
10 themselves, or others, engage in debt collection as that term is defined by California Civil
11 Code § 1788.2(b), are therefore debt collectors as that term is defined by California Civil
12 Code § 1788.2(c).
13

14 17. This case involves money, property or their equivalent, alleged to be due or
15 owing from a natural person by reason of a consumer credit transaction. As such, this
16 action arises out of a consumer debt and "consumer credit" as those terms are defined by
17 Cal. Civ. Code § 1788.2(f).
18

19 18. This case involves money, property or their equivalent alleged to be due or
20 owing from a natural person by reason of a consumer credit transaction. As such, this
21 action arises out of a consumer debt and "consumer credit" as those terms are defined by
22 Cal. Civ. Code § 1788.2(f).
23

STATEMENT of FACTS

24 19. On May 31st, 2013 Defendant placed a collection call to Plaintiff to his cellular
25 telephone number utilizing "automatic telephone dialing system" and left an artificial or
26 prerecorded voice message as defined in TCPA 47 U.S.C. § 227 et seq.
27
28

1 20. This communication to Plaintiff was a "communication" as that term is defined
2 by 15 U.S.C. § 1692a(2), and an "initial communication" consistent with 15 U.S.C. §
3 1692g(a).

4 21. This communication was a "debt collection" as Cal. Civ. Code 1788.2(b)
5 defines that phrase, and an "initial communication" consistent with Cal. Civ. Code §
6 1812.700(b).

7 22. Defendant failed to provide Plaintiff required written notice of the debt within 5
8 days of "initial communication" as defined in 15 U.S.C. § 1692g(a) thus violating 15 U.S.C. §
9 1692g(a).

10 23. Defendant's actions of calling on Plaintiff's Cellular telephone are a violation
11 15 U.S.C. § 1692 e(11) as communication failed to contain the mini-Miranda warning: "This
12 is an attempt to collect a debt. This is communication from a debt collector.".

13 24. Because this violated certain portions of the federal Fair Debt Collection
14 Practices Act as these portions are incorporated by reference in the Rosenthal Fair Debt
15 Collection Practices Act, through California Civil Code § 1788.17, this conduct or omission
16 violated Cal. Civ. Code § 1788.17.

17 25. On June 26th 2013, Plaintiff sent a "Notice of Pending Lawsuit" letter to
18 Defendant to give the Defendant the opportunity to settle the Defendant's violation prior to
19 filing this law suit.

20 26. On the June 26th 2013 "Notice of Pending Lawsuit" letter to Defendant, Plaintiff
21 clearly states, "*I can be reached directly at (909) 437-2556 (cell) or via email at*
22 *weissmann.gunter@gmail.com, This cell number is not to be called, shared, or used for*
23 *purpose other than to address the matters at hand.*"

Günter Weissmann
-COMPLAINT-

1 27. Plaintiff has clearly stated in his June 26th 2013 letter to Defendant to not
2 further contact him for any other matter, via email nor on his cell number, but ONLY for the
3 purpose to settle the matters at hand prior to filing a law suit.

4 28. On June 27th, 2013, Nate Lucas | Loan Servicing Manager for Monterey
5 Financial Services, Inc., acknowledged and responded via email to Plaintiff's June 26th,
6 2013 letter and even attached a copy of my June 26th, 2013 letter to his email.

8 29. On June 27th, 2013, Nate Lucas | Loan Servicing Manager Loan Servicing
9 Manager for Monterey Financial Services, Inc., identifies himself in his email signature block
10 as a debt collector by stating "*This is an attempt to collect a debt. Any information obtained*
11 *will be used for that purpose.*"

13 30. On July 3rd, 2013 Defendant Monterey Financial Services, Inc., placed a
14 collection call to Plaintiff to his cellular telephone number utilizing "automatic telephone
15 dialing system" and left an artificial or prerecorded voice message as defined in TCPA 47
16 U.S.C. § 227 et seq.

18 31. Defendant's actions of calling on
19 Plaintiff's Cellular telephone are a violation 15 U.S.C. § 1692 e(11) as
20 communication failed to contain the mini-Miranda warning: "This is an attempt to collect a
21 debt. This is communication from a debt collector.".

22 32. Because this violated certain portions of the federal Fair Debt Collection
23 Practices Act as these portions are incorporated by reference in the Rosenthal Fair Debt
24 Collection Practices Act, through California Civil Code § 1788.17, this conduct or omission
25 violated Cal. Civ. Code § 1788.17.

27 //

28 //

Günter Weissmann
-COMPLAINT-

1 CAUSES OF ACTION

2 COUNT I

3 AS TO ALL NAMED DEFENDANTS

4 FAIR DEBT COLLECTION PRACTICES ACT (FDCPA)

5 15 U.S.C. §§ 1692 ET SEQ.

6 33. Plaintiff repeats, re-alleges, and incorporates by reference, all other
7 paragraphs.

8 34. The foregoing acts and omissions constitute numerous and multiple violations
9 of the FDCPA, including but not limited to each and every one of the above- cited provisions
10 of the FDCPA, 15 U.S.C. § 1692 et seq.

11 35. As a result of each and every violation of the FDCPA, Plaintiff is entitled to any
12 actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to
13 \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and
14 costs, if any, pursuant to 15 U.S.C. § 1692k(a)(3) from each and every defendant, jointly
15 and severally.

16 COUNT II

17 AS TO ALL NAMED DEFENDANTS

18 ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT (ROSENTHAL ACT)

19 CAL. CIV. CODE §§ 1788-1788.32

20 36. Plaintiff repeats, re-alleges, and incorporates by reference, all other
21 paragraphs.

22 37. The foregoing acts and omissions constitute numerous and multiple violations
23 of the Rosenthal Act, including but not limited to each and every one of the above-cited
24 provisions of the Rosenthal Act, Cal. Civ. Code § 1788-1788.32.

25 //

38. As a result of each and every violation of the Rosenthal Act, Plaintiff is entitled to any actual damages pursuant to Cal. Civ. Code § 1788.30(a); statutory damages for a knowing or willful violation in the amount up to \$1,000.00 pursuant to Cal. Civ. Code § 1788.30(b); and reasonable attorney's fees and costs, if any, pursuant to Cal. Civ. Code § 1788.30(c) from each and every defendant, jointly and severally.

COUNT III
AS TO ALL NAMED DEFENDANTS
NEGLIGENT VIOLATIONS OF THE
TELEPHONE COMMUNICATIONS ACT 47 U.S.C. § 227 ET SEQ.

39. Plaintiff repeats, re-alleges, and incorporates by reference, all other paragraphs.

40. The foregoing acts and omissions constitute numerous and multiple violations of the TCPA, including but not limited to each and every one of the above-cited provisions of the TCPA, 47 U.S.C. 227 et. seq.

41. The Plaintiff has NEVER given the Defendant permission to call Plaintiff's cell phone in connection to Debt Collection.

42. Plaintiff and Defendant, Inc. do not have an established business relationship within the meaning of 47 U.S.C. § 227.

43. As a result of Defendant's negligent violations of 47 U.S.C. § 227 et seq., Plaintiff is entitled to an award of \$500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).

11

11

11

1

COUNT IV

**AS TO ALL NAMED DEFENDANTS
NEGIGENT VIOLATIONS OF THE
TELEPHONE COMMUNICATIONS ACT 47 U.S.C. § 227 ET SEQ.**

44. Plaintiff repeats, re-alleges, and incorporates by reference, all other paragraphs.

45. The foregoing acts and omissions of Defendant constitute numerous and multiple knowing and/or willful violations of the TCPA, including but not limited to each and every one of the above-cited provisions of 47 U.S.C. § 227 et seq.

46. The Plaintiff has NEVER given the Defendant permission to call Plaintiff's cell phone in connection to Debt Collection.

47. Plaintiff and Defendant do not have an established business relationship within the meaning of 47 U.S.C. § 227.

48. As a result of Defendant's knowing and/or willful violations of 47 U.S.C. § 227 et seq., Plaintiff is entitled to treble damages, as provided by statute, up to \$1,500.00, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

REQUEST FOR RELIEF

WHEREFORE, Plaintiff request that judgment be entered against each Defendant, jointly and severally, and Plaintiff be awarded damages from each Defendant, as follows:

- An award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); An award of costs of litigation and reasonable attorney's fees, if any, pursuant to 15 U.S.C. § 1692k(a)(3);

- An award of costs of litigation and reasonable attorney's fees, pursuant to 15 U.S.C. § 1692k(a)(3);
 - An award of statutory damages of \$1,000.00 pursuant to Cal. Civ. Code § 1788.30(b);
 - An award of costs of litigation and reasonable attorney's fees, if any, pursuant to Cal. Civ. Code § 1788.30(c);
 - Statutory damages of \$500.00 for each negligent violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B); and
 - Statutory damages of \$1,500.00 for each knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

49. Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Respectfully submitted,


Günter Weissmann
In Pro Se

DATED: September 5, 2013

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

<p>I (a) PLAINTIFFS (Check box if you are representing yourself <input checked="" type="checkbox"/>)</p> <p>GÜNTER WEISSMANN</p>	<p>DEFENDANTS MONTEREY FINANCIAL SERVICES, INC.</p>								
<p>(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)</p> <p>GÜNTER WEISSMANN V: 909-437-2556 13957 Hazel Drive Lytle Creek, CA 92358</p>									
<p>II. BASIS OF JURISDICTION (Place an X in one box only.)</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding-bottom: 10px;"> <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) </td> <td style="width: 50%; padding-bottom: 10px;"> <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) </td> </tr> </table>		<input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	<input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)						
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<p>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding-bottom: 10px;"> Citizen of This State <input checked="" type="checkbox"/> 1 </td> <td style="width: 50%; padding-bottom: 10px;"> Incorporated or Principal Place of Business in this State <input type="checkbox"/> 4 <input type="checkbox"/> 4 </td> </tr> <tr> <td style="padding-bottom: 10px;"> Citizen of Another State <input type="checkbox"/> 2 </td> <td style="padding-bottom: 10px;"> Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5 </td> </tr> <tr> <td style="padding-bottom: 10px;"> Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 </td> <td style="padding-bottom: 10px;"> Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6 </td> </tr> </table>		Citizen of This State <input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State <input type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country <input type="checkbox"/> 3	Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6		
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<p>IV. ORIGIN (Place an X in one box only.)</p> <p><input checked="" type="checkbox"/> 1 Original <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge</p>									
<p>V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.)</p> <p>CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>MONEY DEMANDED IN COMPLAINT: \$ 6,000</p>									
<p>VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)</p> <p>Violations of 15 U.S.C. § 1692 et seq</p>									
<p>VII. NATURE OF SUIT (Place an X in one box only.)</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; vertical-align: top;"> OTHER STATUTES <ul style="list-style-type: none"> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. 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Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. 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Security Act PROPERTY RIGHTS <ul style="list-style-type: none"> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWV (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) SOCIAL SECURITY <ul style="list-style-type: none"> <input type="checkbox"/> 860 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other FEDERAL TAX SUITS <ul style="list-style-type: none"> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
OTHER STATUTES <ul style="list-style-type: none"> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes 	CONTRACT <ul style="list-style-type: none"> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise 	TORTS <ul style="list-style-type: none"> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability 	TORTS <ul style="list-style-type: none"> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <ul style="list-style-type: none"> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <ul style="list-style-type: none"> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights 	PRISONER PETITIONS <ul style="list-style-type: none"> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <ul style="list-style-type: none"> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug 					
REAL PROPERTY <ul style="list-style-type: none"> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property 	IMMIGRATION <ul style="list-style-type: none"> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions 	LABOR <ul style="list-style-type: none"> <input type="checkbox"/> 710 Fair Labor Standard Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <ul style="list-style-type: none"> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWV (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) SOCIAL SECURITY <ul style="list-style-type: none"> <input type="checkbox"/> 860 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other FEDERAL TAX SUITS <ul style="list-style-type: none"> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 							

ED CV 13 - 01598 JGB (OPX)

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)

- A. Arise from the same or closely related transactions, happenings, or events; or
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District: [*]	California County outside of this District; State, if other than California; or Foreign Country
SAN BERNARDINO	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District: [*]	California County outside of this District; State, if other than California; or Foreign Country
	SAN DIEGO, CALIFORNIA

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District: [*]	California County outside of this District; State, if other than California; or Foreign Country
SAN BERNARDINO	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): John E. Den Date 9/5/2013

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Jesus G. Bernal and the assigned Magistrate Judge is Oswald Parada.

The case number on all documents filed with the Court should read as follows:

EDCV13-01598 JGB (OPx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

September 6, 2013

Date

By L. Murray

Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701

Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.